# BILL NO. 91

*Private Member's Bill*

*1st Session, 60th General Assembly*
*Nova Scotia*
*55 Elizabeth II, 2006*

# An Act to Amend Chapter 475 of the Revised Statutes, 1989, the Trade Union Act

CHAPTER 48
ACTS OF 2006

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR**
**NOVEMBER 23, 2006**

Manning MacDonald
*Cape Breton South*

*Halifax, Nova Scotia*
*Printed by Authority of the Speaker of the House of Assembly*

2007-03016/

# An Act to Amend Chapter 475 of the Revised Statutes, 1989, the Trade Union Act

Be it enacted by the Governor and Assembly as follows:

**1 Subsection 46A(3) of Chapter 475 of the Revised Statutes, 1989, the *Trade Union Act*, as enacted by Chapter 61 of the Acts of 2005, is amended by striking out "(1)" in the second line and substituting "(2)".**

**2 (1) Subsection 56A(4) of Chapter 475, as enacted by Chapter 61, is amended by striking out "(2)" in the second line and substituting "(3)".**

**(2) Subsection 56A(5) of Chapter 475, as enacted by Chapter 61, is amended by striking out "(2)" and substituting "(3)".**

**3 Section 52A of Chapter 475, as enacted by Chapter 47 of the Acts of 2004, is amended by adding immediately after subsection (3) the following subsection:**

(4) Only the items listed in the Schedule to this Act may be considered by an arbitration board in an interest arbitration under this Section.

**4 Chapter 475 is further amended by adding immediately after Section 52A the following Section:**

52AA(1) In this Section,

(a) "firefighter" means a full-time firefighter and, for greater certainty, does not include a volunteer firefighter;

(b) "firefighter bargaining unit" means a unit that includes firefighters that has been certified under this Act or that is a party to an agreement filed pursuant to subsection (2) of Section 30 and the certification of which has not been revoked;

(c) "pre-existing collective agreement" means a collective agreement between a firefighter bargaining unit and an employer which was in effect immediately before this Section coming into force.

(2) Notwithstanding anything contained in this Act,

(a) no firefighter or member of a firefighter bargaining unit has the right to strike; and

(b) no employer shall lock out a firefighter or member of a firefighter bargaining unit.

(3) The right to strike and the right to lock out firefighters and members of a firefighter bargaining unit is hereby replaced with interest arbitration.

(4) Only the items listed in the Schedule to this Act may be considered by an arbitration board in an interest arbitration under this Section.

(5) Notwithstanding subsection (2) or anything else contained in this or any other Act, this Section does not apply to the following firefighter bargaining units, their employer, the union representing those employees and their successors as provided in the following clauses:

(a) the firefighter bargaining unit of the Halifax Regional Municipality as represented by the International Association of Fire Fighters, Local 268 until their pre-existing collective agreement expires on May 31, 2016;

(b) the firefighter bargaining unit of the Town of Yarmouth as represented by the International Association of Fire Fighters, Local 2094 until their pre-existing collective agreement expires on December 31, 2008; and

(c) a firefighter bargaining unit with a pre-existing collective agreement designated in regulations made by the Governor in Council for the purpose of this subsection.

**5 Chapter 475 is further amended by adding immediately after Section 91 the following Schedule:**

SCHEDULE A

ARBITRAL TERMS AND CONDITIONS OF EMPLOYMENT
FOR POLICE AND FIREFIGHTER INTEREST ARBITRATION

1. Wages and salaries
2. Pay procedure on promotions, demotion, reclassification and increments
3. Hours of work
4. Overtime compensation
5. Premium allowances for work performed
6. Holidays
7. Vacations
8. Employee relocation expenses
9. Long Service Award
10. Leaves of absence other than for elective public office, political activity or education or training and development
11. Conditions of education leave
12. Conditions of sabbatical leave
13. Consolidated Health Plan
14. Layoff policy taking into account competency, merit and seniority of employees
15. Procedures for discipline and discharge for cause of employees
16. Grievance procedure
17. Mileage rate and allowance payable to employee for kilometres travelled when employee is required to use employee's own automobile on employer's business
18. Group life insurance
19. Long-term income-protection insurance
20. Duration of collective agreement

21. Interpretations and definitions of words and expressions used in collective agreement and not defined by collective agreement or applicable enactment

**6** Section 52AA, as enacted by this Act, and Sections 52B to 52G of Chapter 475 apply to collective bargaining between a firefighter bargaining unit as defined by Section 52AA and an employer on and after the coming into force of this Act, whether the collective bargaining commenced before, on or after that day.

**7** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.